UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1997/NGO/20
10 March 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Item 8 of the provisional agenda

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[28 February 1997]

GE.97-10831 (E)

1. The International Federation of Human Rights Leagues (FIDH) and its Northern Ireland affiliate, the Committee on the Administration of Justice (CAJ), are profoundly disturbed by the breakdown in the ceasefire by the IRA and the return to violence in Northern Ireland.

2. Issues of justice, rights and fairness are at the heart of the conflict. They must therefore be central to efforts to resolve it. Peace is only likely to flourish when everyone feels that their rights are respected and protected.

3. Accordingly, we urge prompt action to remedy a number of outstanding human rights concerns, many of which have been the subject of previous comment at the Human Rights Committee (1991 and 1995), the Committee against Torture (1991 and 1995), the Commission on Human Rights (1993, 1994 and 1996), the Sub-Commission on Prevention of Discrimination and Protection of Minorities (1992, 1993, 1994 and 1996) and the European Committee for the Prevention of Torture (1994), and have been the cause of adverse findings against the United Kingdom in the European Court of Human Rights (e.g. McCann, Murray, Brogan).

4. Regrettably the United Kingdom Government has failed to respond adequately to these concerns and indeed has on several occasions shown flagrant disregard for the findings of international bodies established for the protection of human rights.

5. The existence of paramilitary violence does not remove the United Kingdom's obligation to comply with the international standards to which it is bound. The satisfactory resolution of the conflict in Northern Ireland is impossible without clear and effective protection of human rights.

The rights of detainees and prisoners

6. The FIDH and the CAJ remain concerned about the emergency law regime which applies in Northern Ireland, with its significant restrictions on access to legal advice and the effective removal of the right to remain silent. In 1996 the European Court of Human Rights found that aspects of the detention regime violated the European Convention on Human Rights. One year on, the United Kingdom Government has not altered the law to comply with the judgement and in fact has renewed the offending legislation. Furthermore, the United Kingdom continues to derogate from the International Covenant on Civil and Political Rights and from the European Convention in respect of the powers which allow for seven-day detention without being brought before a court.

7. Particularly worrying are the continuing reports from detainees that police officers threaten and abuse lawyers via their clients in a manner entirely inconsistent with the United Nations Basic Principles on the Role of Lawyers. CAJ has received very recent and alarming reports of police officers making death threats and engaging in extreme personal abuse of a lawyer during interrogation of detainees. The death of defence lawyer, Patrick Finucane and the evidence of official collusion in his murder remain unresolved.

8. Following widespread concern among non-governmental organizations and the findings of bodies like the United Nations Committee against Torture, the

Government agreed to introduce silent video recording of interviews as a safeguard to prevent ill-treatment of detainees. While welcome, this measure has still not been introduced and will not protect detainees against verbal and psychological abuse.

9. The European Committee for the Prevention of Torture, following its special visit to Northern Ireland, concluded in 1994 that "persons arrested in Northern Ireland under the Prevention of Terrorism Act run a significant risk of psychological forms of ill-treatment during their detention at the holding centres and that on occasion, resort may be had by detective officers to forms of physical ill-treatment".

10. CAJ continues to receive complaints of psychological ill-treatment and occasional assault. We call upon the United Kingdom Government to reconsider its refusal to introduce audio recording for these interviews. Such a step would be in the interests of detainees and would serve to protect the police from any false accusations.

11. FIDH and CAJ are disturbed by the deterioration in the conditions for Irish republican prisoners held in prisons in Great Britain. This small group is being held in special secure units with a highly restricted and punitive regime. Independent medical experts have attested to the deterioration in their physical and mental well-being as a result of being held in these conditions. FIDH and CAJ would urge that prompt steps be taken to secure their well-being and in particular that their requests to be transferred to prisons in the Republic of Ireland and Northern Ireland in order to serve their sentences near their families be granted.

12. The case of Roisin McAliskey, a young woman being held in Holloway prison in England awaiting extradition to Germany to face criminal charges, is a cause of concern to FIDH and CAJ. She is in the advanced stages of pregnancy with a number of serious health problems which are exacerbated by the conditions under which she is being held. She has been subjected to strip searches, denied adequate access to medical treatment, exercise, fresh air and association with other prisoners, and was for a time detained in an all-male prison. Independent medical experts have attested to the serious dangers to the safety of her unborn child but the authorities have refused bail in her case. Her situation has been the focus of an Amnesty International urgent action urging the granting of bail to Ms. McAliskey.

Concerns about the right to life and the rule of law

13. Twenty-five years ago 13 unarmed demonstrators were shot dead in Derry in Northern Ireland by British soldiers. Fifteen other people were wounded and one subsequently died. The events became known as Bloody Sunday. Significant evidence has now come to light which shows that the original Tribunal of Inquiry into these events, chaired by Lord Widgery, was fundamentally flawed. In particular, it reveals that instead of investigating the truth, evidence was ignored and efforts were made to obscure the army's wrongdoing.

14. FIDH and CAJ call on the United Kingdom to establish a new and independent inquiry into the events of Bloody Sunday. Such a step is

necessary to establish the truth of what happened and remedy the injustice done to the deceased and their families. Moreover, redressing long-standing grievances could make a major contribution to building a lasting peace in Northern Ireland. In 1995, recognizing this fact, the United Nations Human Rights Committee called on the United Kingdom to take steps to resolve outstanding cases. Thus far the Government has failed to implement this recommendation. A new inquiry into Bloody Sunday would signal a willingness to do so.

15. The FIDH and CAJ are further concerned about the actions of the police and the Government in respect of their handling of controversial marches in Northern Ireland and associated major public disturbances. The summer of 1996 saw a disturbing collapse in the rule of law when those meant to uphold the law were seen to give way to the use and threat of violent disorder.

16. Of special concern to CAJ and FIDH was the fact that in excess of 6,000 plastic bullets were fired by the police and army in the space of a week. The scale of their use was virtually unprecedented in the history of Northern Ireland and led to numerous injuries, many of a very serious nature. On the basis of accounts from our own team of observers and statements which were made to us a disturbing pattern has emerged which includes the deliberate firing of plastic bullets at young people leaving discos and fast food outlets. Concerns have also centred around the lack of an adequate explanation for the significant disparity in the use of plastic bullets against Protestant and Catholic crowds. A total of 6,002 plastic bullets were fired between 7 July and 14 July. Some 5,340 were fired during predominantly nationalist unrest and 662 were fired during predominantly unionist unrest. The FIDH and CAJ's evidence shows that those using plastic bullets regularly appear to breach the guidelines established for their use. An official report produced by Her Majesty's Inspectorate of Constabulary has highlighted serious deficiencies in police practice governing the use of plastic bullets. The FIDH and CAJ submit that rubber and plastic bullets, which have not been used in situations of public disorder in Great Britain and which have killed 17 people, more than half of them children in Northern Ireland are not an acceptable form of crowd control.

17. The Government's response to the summer's events has been entirely unsatisfactory. It has decided to delay implementing the recommendations of an inquiry which it established into the marching problem. As a result of this delay we are concerned that this summer will see a repeat of last summer's violence.

Conclusion

18. The FIDH and the CAJ respectfully request the Commission to urge the United Kingdom to comply fully with its international obligations. Effective protection and respect for human rights are crucial to a just and lasting settlement of the Northern Ireland conflict and could provide a firm basis on which to build a new peace process.

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